

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Wolfgang Theimer <i>et al.</i>	Confirmation No.:	5436
Application No.:	10/574,876	Examiner:	COBURN, CORBETT B
Filed:	October 10, 2006	Group Art Unit:	3714

For: METHOD AND DEVICE FOR GENERATING A GAME
DIRECTORY ON AN ELECTRONIC GAMING DEVICE

Commissioner for Patents
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the Restriction Requirement of June 23, 2010, Group I, Claims 1-4, 17-19 and 26-31 are hereby elected, without prejudice to any divisional application that may be filed to cover the non-elected claims.

Applicant respectfully traverses the outstanding restriction requirement for the following reason.

MPEP §1893.03(d) clearly states: “When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.” No such showing has been made in this instance, as the Examiner merely draws the conclusion that the claims “lack the same or corresponding special technical features,” citing the various general characterizations of the claim groupings. The Examiner is reminded that the burden of such showing is that of the Examiner’s, not Applicant’s.

Furthermore, MPEP §803 states the following:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicant respectfully traverses the outstanding Restriction Requirements on the grounds that a search and examination of the entire application would not place a serious burden on the Examiner. Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of each of Claims 1-34 be conducted.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

July 23, 2010
Date

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